

COMMERCIAL VEHICLES IN THE DELAWARE WATER GAP
NATIONAL RECREATION AREA

FEBRUARY 28, 1995.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 536]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 536) to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROHIBITION OF COMMERCIAL VEHICLES.

(a) **IN GENERAL.**—Effective at noon on September 30, 2005, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

(b) **LOCAL BUSINESS USE PROTECTED.**—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of the recreation area, as determined by the Secretary.

(c) **CONFORMING PROVISIONS.**—(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading “ADMINISTRATIVE PROVISIONS” in chapter VII of title I of Public Law 98–63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed \$25 per trip.

Amend the title so as to read:

A bill to prohibit the use of Highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 536 is to permit the National Park Service to reinstitute the program of collecting fees for commercial vehicular traffic within Delaware Water Gap National Recreation Area for a period of 10 years.

BACKGROUND AND NEED FOR LEGISLATION

The Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey preserves lands on both sides of the Delaware River. Route 209 runs 21 miles through the middle of the National Recreation Area. For many years, Route 209 served as a major truck route, because of its easier grades and shorter route from New England to Pennsylvania. In 1981, route 209 was transferred to the National Park Service (NPS). A provision of Public Law 98-63, the Fiscal Year 1983 Supplemental Appropriations Act, closed the park segment of Route 209 to commercial traffic, authorized the NPS to collect and keep fees and provided a sunset clause for the provision. The law provided that the legislative authority would expire on July 30, 1993, or upon completion of I-287 (an alternative route which was expected to be finished by 1993), whichever came first.

To implement the law, the NPS set up checkpoints and toll booths to collect fees from commercial traffic. Since 1983, the number of commercial trucks using Route 209 dropped significantly. The fees collected from the commercial trucks that are allowed on Route 209 cover the NPS's costs of collection, but do not fully cover road maintenance.

The NPS has regulatory authority to ban commercial traffic in parks unless such traffic is local in nature, but not to retain the fees in the parks. Delaware Water Gap National Recreation Area is unique in this toll arrangement.

COMMITTEE ACTION

H.R. 536 was introduced by Mr. McDade of Pennsylvania on January 17, 1995, and referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on National Parks, Forests and Lands. A hearing on H.R. 536 was held by the Subcommittee on January 24, 1995. At the meeting of the Subcommittee on January 26, 1995, an amendment in the nature of a substitute, offered by Mr. Hansen, was adopted by voice vote. This amendment limited commercial vehicle use of Route 209 to 10 years and provided for local commercial vehicular use after that date. H.R. 536, as amended, was ordered favorably reported to the Committee on Resources. At the meeting of the Committee on Resources on February 15, 1995, the Committee ordered the bill, as amended, favorably reported to the House of Representatives by voice vote, a quorum being present.

SECTION-BY-SECTION ANALYSIS

The bill provides that as of September 30, 2005, commercial vehicular use of Delaware Water Gap National Recreation Area is prohibited, except for commercial vehicles serving businesses within or in the vicinity of the recreation area. The Secretary of the Interior is authorized to develop policies necessary to implement this provision. This section also authorizes the Secretary to charge up to \$25 for each commercial vehicle using route 209 and to utilize those funds without further appropriation.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(l)(3) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 536 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 536. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Subcommittee on National Parks, Forests and Lands held hearings on January 24, 1995, and received testimony on H.R. 536 and the oversight findings and recommendations of the Committee are reflected in this report.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 536.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 536 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 23, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 536, a bill to prohibit the use of highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles, and for other purposes.

Enactment of H.R. 536 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 536.
2. Bill title: A bill to prohibit the use of highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles, and for other purposes.
3. Bill status: As ordered reported by the House Committee on Resources on February 15, 1995.
4. Bill purpose: H.R. 536 would prohibit all commercial vehicles from using highway 209 within the Delaware Water Gap National Recreation Area, with limited exceptions, after September 30, 2005. Until that time, the bill would authorize the National Park Service (NPS) to collect commercial use fees of up to \$25 per trip. The NPS previously had the authority to collect fees, but it expired in fiscal year 1993.
5. Estimated cost to the Federal Government: The NPS is currently using appropriated funds to operate check stations on highway 209 to monitor commercial traffic. CBO estimates that enacting H.R. 536 would result in a small decrease in spending subject to appropriations, because the currently appropriated spending would be replaced by direct spending. The net impact on direct spending, however, would be close to zero because the new fees authorized by the bill would offset the cost of collecting the fees. Under H.R. 536, the fees collected would be available, without further appropriation, to pay the cost of operating the stations.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Authorizations:					
Estimated Authorization Level	-0.3	-0.3	-0.3	-0.3	-0.3
Estimated Outlays	-0.3	-0.3	-0.3	-0.3	-0.3

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Direct Spending:					
Estimated Budget Authority	(¹)	(¹)	(¹)	(¹)	(¹)
Estimated Outlays	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Less than \$50,000.

The costs of this bill fall within budget function 300.

The NPS is currently spending about \$275,000 of annually appropriated funds to operate the highway 209 check stations for limited hours. Based on information provided by the NPS, CBO estimates that total fee receipts under H.R. 536 would approximately equal the cost of operating the stations for 24 hours per day—about \$300,000 per year. The NPS plans to set an initial fee level of \$10 per trip, and to increase the fee as necessary to continue to offset the operating costs. Such future increases in the fee level are likely because the amount of commercial traffic on the road is expected to decline over time.

After September 30, 2005, all commercial traffic would be prohibited. The NPS plans to close the check stations at that time, so the spending and the offsetting receipts would both end. The ban on commercial traffic would be enforced with existing traffic patrols. Should the NPS be unable to collect sufficient fees in the interim to pay the costs of collection, they would probably move more quickly to close the stations.

6. Comparison with spending under current law: The current spending for operating check stations on highway 209 is approximately \$275,000. Enacting H.R. 536 would eliminate the need for appropriated funds for this purpose and substitute spending from amounts collected in fees. Hence, the bill would likely lead to a small net decrease in federal outlays associated with highway 209.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 536 would have a very small impact on direct spending. Therefore, pay-as-you-go procedures would apply to the bill. (The bill would not affect governmental receipts.)

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	0	0
Change in receipts	(¹)	(¹)	(¹)

¹ Not applicable.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Deborah Reis.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 536.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

ACT OF JULY 30, 1983

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes

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TITLE I

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CHAPTER VII

DEPARTMENT OF THE INTERIOR

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ADMINISTRATIVE PROVISIONS

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In order to further the purposes of the Delaware Water Gap National Recreational Area, and to provide for the public safety of the visitors to the recreation area and the citizens of the States of New Jersey and Pennsylvania:

[(1) Highway 209, as a federally owned road within the boundaries of the recreation area, is hereby closed to all commercial vehicular traffic upon enactment of this law, except for those commercial vehicular operations which are based within the recreation area, or which have business facilities in Monroe and Pike Counties, Pennsylvania, operating, on the date of enactment, commercial vehicular traffic originating or terminating outside the recreation area, and except for those commercial vehicular operations which are necessary to provide services to businesses and persons located within or contiguous to the boundaries of the recreation area.

[(2) The Secretary of the Interior is authorized and directed, notwithstanding any other law, to establish a commercial operation fee for the use, in accordance with subsection (1), of highway 209 for all commercial vehicles, except for commercial vehicular operations serving businesses or persons located in or contiguous to the boundaries of the recreation area: *Provided*, That the fee schedule may not exceed \$7 per trip: *Provided further*, That all fees received shall be set aside in a special account and are available, without further appropriation, for the management, operation, construction, and maintenance of highway 209 within the boundaries of the recreation area.

[(3) The provisions of subsection (1) of this section shall terminate on December 31, 1983. The provisions of subsection (2) of this section shall terminate three years from the enactment of this section unless construction of the I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from, the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative has been commenced. In the event construction has been commenced subsection (2) of this section will terminate ten years from the enactment of this section, or when construction of I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative is completed, whichever occurs first.]

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